

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,581

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her Food Stamps. The issue is whether the petitioner's status as a full-time college student disqualifies her from Food Stamps.

FINDINGS OF FACT

The facts are not in dispute. The petitioner has no minor dependents and recently enrolled in a full-time (12 credit) course of study at a local community college. She is not presently participating in any work study program and is not working. The Department terminated the petitioner's Food Stamps on the basis of her full-time student status.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual (FSM) § 273.5(a) provides that an individual who is 18 years of age, not disabled, and "enrolled at least half time in an institution of higher education...shall be ineligible to participate in the Food Stamp Program" unless that individual meets one of the listed exceptions in FSM § 273.5(b). The exceptions listed in that section include being employed at least half time or being enrolled in a work study program, and several that are based on the individual being the parent of a minor dependent child. The petitioner admits that she meets none of these exceptions.

While the Board need not agree with the policy basis of any particular program eligibility factor, it is bound by law to affirm the Department's decision in any case where that decision is in accord with the regulations. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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